



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,793	03/30/2001	Sanghoon Lee	Lee 1-17	7445

7590 08/09/2004

Law Offices of Jean-Marc Zimmerman
226 St. Paul Street
Westfield, NJ 07090

EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
----------	--------------

2672

19

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,793

Applicant(s)

LEE ET AL.

Examiner

Jeffery A Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-25,31-34,36,38 and 40-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-25,31-34,36,38 and 40-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Priority

1. The 1.78(a)(6) petition filed May 19, 2004 for acceptance of a delayed benefit claim to provisional 60/221316 filed on July 28, 2000 has been granted by the Office of Petitions. Since the second Lee article is identical to the provisional application then the currently pending claims are entitled to the benefit of the filing date of provisional application no. 60/221316 filed on July 28, 2000. Therefore, the first Lee article and the second Lee article have been withdrawn as prior art.

Response to Amendment

2. The 5/19/2004 amendment to the specification has been entered. The claims were not presented in this amendment. The pending claims are found in the 12/31/2003 amendment.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2672

4. Claims 20-25, 31-34, 36, 38, 45 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Heinzelman et al., U.S. Patent No. 6,754,277.

Heinzelman teaches applying greater error protection coding to motion portions of the video and lesser error protection coding to texture portions of the video.

Heinzelman teaches determining the foveation point of video by determining the point or points of motion. The foveation area is the area of video forming the moving objects.

A detailed analysis of the claims follows.

Claim 20:

Heinzelman teaches a method for partitioning a video image between a foveated area (*Applicants specification at page 5 line 5 describes the foveation area as an area of motion.*) and a background area (*The background area is the area of the video that is not a part of the foveation area, the texture includes at least the background.*) comprising the steps of:

defining a foveation point in the video image (*The point of the motion is the foveation point. Inherently the motion was determined and defined to form the motion data.*);

defining a foveated area in proximity to said foveation point (*The area surrounding the detected motion point is the area. Inherently the area surrounding a motion point was determined and defined to form the motion area.*);

extracting the first plurality of data signals from said video image representing said foveated area (*The encoder extracts the data signals corresponding to the motion data.*);

extracting a second plurality of data signals from said video image representing a background area (*The encoder extracts the data signals corresponding to the texture data.*);

encoding the extracted first plurality of data signals with a first error correction protocol to create a first encoded signal (*The encoder encodes the extracted data signals corresponding to the motion data with a first FEC coding.*); and

encoding the extracted second plurality of data signals with a second error correction protocol different from the first error correction protocol to create a second encoded signal (*The encoder encodes the extracted data signals corresponding to the texture data with a second FEC coding.*), wherein the first error correction protocol comprises a first FEC algorithm (*See column 3 lines 1-5, 21-25, 38-40 and 57-62.*) and a second error correction protocol comprises a second FEC algorithm, the first FEC algorithm being more powerful than the second FEC algorithm (*See column 2 lines 46-50.*).

Art Unit: 2672

Claim 21:

Heinzelman teaches the method according to claim 20, wherein the step of defining said foveation point comprises the step of:

pointing a video device at a location of the image using a means for pointing (*To determine the areas of motion inherently a video device was pointed at all of the locations of the image to determine the locations having motion. Thus, this broad claim to pointing is met by determination of motion that was required to form the motion data in Heinzelman. Since applications specification discusses detecting motion then the claimed means for pointing is met by the means for detecting motion used to form the motion data in Heinzelman.*).

Claim 22:

Heinzelman teaches the method according to claim 21, wherein the pointing means comprises at least one of (*Heinzelman teaches at least one of the following because the system used to determine the motion inherently has one of the following computer components.*):

a computer keyboard (*Used by all computer equipment to allow the user to interface with the computer, the keyboard may be directly or indirectly connected to the computer. Inherently*

Art Unit: 2672

when determining the motion in the video a computer input device was used by the operator to direct the system to analyze the video with a video device that analyzes the video to determine portions of the video that have motion.);

a computer mouse (Used by many computer equipment to allow the user to interface with the computer, the mouse may be directly or indirectly connected to the computer. Inherently when determining the motion in the video a computer input device was used by the operator to direct the system to analyze the video with a video device that analyzes the video to determine portions of the video that have motion.);

a joystick (Used by many computer equipment to allow the user to interface with the computer, the joystick may be directly or indirectly connected to the computer. Inherently when determining the motion in the video a computer input device was used by the operator to direct the system to analyze the video with a video device that analyzes the video to determine portions of the video that have motion.), and

an eye tracking device (Used by many computer equipment to allow the user to interface with the computer, the eye tracker may be directly or indirectly connected to the computer. Inherently when determining the motion in the video a computer input device

Art Unit: 2672

was used by the operator to direct the system to analyze the video with a video device that analyzes the video to determine portions of the video that have motion.).

Claim 23:

Heinzelman teaches the method according to claim 20 further comprising the step of:

calculating a local bandwidth threshold based on said foveation point (*This is a broad term and is met by the inherent motion analysis of the video where a point of motion is determined and a surrounding area is included with the point of motion.); and*

wherein the step of defining said foveation area comprises the steps of:
calculating a local bandwidth for each pixel group in said video image (*The local bandwidth is the pixels having motion corresponding the point of motion.); and*

incorporating those pixel groups having a respective local bandwidth above said local bandwidth threshold into said foveation area (*The area of pixels in the video corresponding to the object having motion have a local bandwidth above a threshold bandwidth corresponding to the background having no motion.).*

Art Unit: 2672

Claim 24:

Heinzelman teaches the method according to claim 20 further comprising the steps of:

packetizing the first encoded signal with inserted synchronization markers occurring after a first predetermined number of bits (*See column 3 line 63 to column 4 line 65. 155 bits is used as the first number.*); and

packetizing the second encoded signal with the inserted synchronization markers occurring after a second predetermined number of bits wherein the first number is smaller than the second number (*500 bits is used as the second number. Clearly 155 bits is smaller than 500 bits.*).

Claim 25:

Lines 3-10 are identical to lines 3-12 of claim 20. The discussion of lines 3-12 of claim 20 are incorporated by reference. Lines 1-3 and 11-17 of claim 25 will be discussed.

Lines 1-3

Heinzelman teaches a method for the processing of video image data received from a first electronic device (*encoder*), the first electronic device having performed the steps of:

Lines 3-10:

see discussion of claim 20.

Art Unit: 2672

Lines 11-17:

the method comprising the steps of:

decoding the first transmitted encoded signal (*the decoder decodes the encoded signal, see column 5 lines 1-3.*);

correcting errors within the first transmitted encoded signal with the use of a high priority processing step to create a received foveated area (*The decoder uses a higher priority processing step to decode the motion data rather than the texture data, column 7 lines 13-16.*);

decoding the second transmitted encoded signal (*The decoder decodes the encoded texture data.*); and

correcting errors within the second transmitted encoded signal with use of a low priority processing step to create a received a background area (*The texture data is decoded with a lower priority step, column 7 lines 13-16.*).

Claim 31:

Heinzelman teaches the method according to claim 20 wherein the first plurality of data signals comprises all pixel signals included in a high-resolution area (*The term high resolution is a broad term and is met by the motion area of the video image.*) of said video image.

Art Unit: 2672

Claim 32:

Heinzelman teaches the method according to claim 20 wherein the first plurality of data signals comprises all pixel signals that are included in a high motion area of said video image (*The patent as a whole teaches the first plurality of data signals comprises all pixel signals that are in a high motion area even though a preferred implementation of the system limits the first plurality of data signals to 155 bits.*).

Claim 33:

Heinzelman teaches the method according to claim 20 wherein the first error correction protocol conforms to video communications industry standards H263++ and/or MPEG-4 (*The first FEC and the second FEC error correction protocols conform to H263++ and/or MPEG-4. See column 1 line 41, column 2 line 36.*).

Claim 34:

Heinzelman teaches the method according to claim 20 wherein the second error correction protocol conforms to video communications industry standards H263++ and/or MPEG-4 (*The first FEC and the second FEC error correction protocols conform to H263++ and/or MPEG-4. See column 1 line 41, column 2 line 36.*).

Art Unit: 2672

Claim 36:

Heinzelman teaches the method according to claim 20 further comprising the steps of:

transmitting the first encoded signal (*The motion data is transmitted first.*); and

transmitting a second encoded signal at a predetermined time after the transmitting of said first encoded signal (*The texture data is transmitted after the motion data, thus, the texture data is transmitted after a predetermined time after the motion data is transmitted.*).

Claim 38:

Heinzelman teaches the method according to claim 25 further comprising the step of:

combining the received foveated area and the received background area to create the video image data (*See column 5 lines 1-4 which describes receiving the encoded motion and texture areas and reconstructing the video to display or store the video.*).

Art Unit: 2672

Claim 45:

Claim 45 is broader than claim 20 because it claims less limitations than claim 20 claims. Lines 1-12 of claim 20 corresponds to claim 45. The difference between claim 45 and claim 20 is claim 20 further claimed a specific type of error correction protocol, FEC. Thus, the discussion of lines 1-12 of claim 20 apply to this claim. Further discussion of this claim is not necessary.

Claim 46:

Lines 12-17 of claim 25 corresponds to this claim. The discussion of lines 12-17 of claim 25 as well as lines 1-12 apply to this claim. Further discussion of this claim is not necessary.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinzelman et al., U.S. Patent No. 6,754,277, in view of applicant's admission of the prior art at page 8 lines 5-13.

Claim 40 corresponds to claim 20. The discussion of claim 20 and Heinzelman applies here. The only difference is claim 20 claims FEC error correction protocol while claim 40 claims ARQ error correction protocol.

Heinzelman does not appear to discuss ARQ error correction protocol.

Heinzelman discusses using FEC at column 3 lines 21-24 as "one method of adding error protection". Thus, Heinzelman suggests that other well known error protection protocols may be used.

Applicant at page 8 lines 5-13 states:

Since all communication channels are lossy, that is, they introduce errors or packet losses and delays, conventional communications protocols rely on either forward error correction (FEC) or automatic repeat request (ARQ), or both, for data error correction. In FEC techniques, a damaged message is rebuilt by detecting and correcting errors in the bitstream based on an additionally transmitted code word, while in ARQ, damaged message packets are retransmitted based on a Acknowledge/NotAcknowledge (ACK/NAK) feedback signal from the receiving station. Both protocols consume additional delay and overhead in order to be robust to poor channel conditions.

It would have been obvious to one of ordinary skill in the art to use ARQ in Heinzelman because in Heinzelman FEC is one example given by Heinzelman as one method of adding error protection, column 3 lines 21-22, other methods are suggested by this statement and since applicant admits that ARQ or FEC or both are commonly used for error protection and since Heinzelman and Applicant are concerned with having the highest error protection that a wireless system will allow.

Claims 41-44:

These dependent claims correspond directly to dependent claims 21-24 and the discussion of claims 21-24 apply to these claims. Further discussion of these claims are not necessary.

Art Unit: 2672

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is 703-305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffery A Brier
Primary Examiner
Art Unit 2672